

R E M A R K S

Claims 16-37 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 16-21, 30 and 37, drawn to method of preparing a fodder, nutriment or premix, a fodder and a method of using the fodder or nutriment to enhance weight gain in animals;

Group II, claims 22-29, 31-33, 35-36, drawn to methods of decreasing the likelihood of mycoplasma infection and infectious disease in an animal; and

Group III, claim 34, drawn to a method of reducing coccidiosis in an animal.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 16-21, 30 and 37.

The Examiner asserts that the claims of Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they allegedly lack the same or corresponding special technical features. Applicants submit that the Examiner has misapplied PCT Rules 13.1 and 13.2. All that is required is for the special technical feature to represent a contribution over the prior art. Applicants note that the claims are all related in at least requiring fermenting wheat germ in an aqueous medium. This is used by way of illustration.

Further, Applicants submit that there exists no undue administrative burden to search and consider the claims in their entirety.

Election of Species

Applicants note that at page 3 of the outstanding Office Action, the Examiner requests that an election of species or invention must be made. However, the Examiner does not indicate which species should be elected. Therefore, no election of species is herewith provided.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

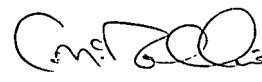
- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

APR 16 2007

Respectfully submitted,

By  #42,874
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